



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of  
R. CRAIG MILLER AND RICHARD W. NAESS  
For: CONVECTION/IMPINGEMENT OVEN FOR  
CONTINUOUSLY COOKING FOOD  
Serial No. 08/722,550  
Filed: 9/27/96

PATENT  
) Art Unit: 2106  
) Examiner: O. Pelham  
)  
)  
)  
) May 30, 1997

5 Response  
Shewen  
6/27/97

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

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JUN 25 1997  
GROUP 2100

AMENDMENT

The Office Action of March 7, 1997, has been carefully considered. The examiner rejected Claim 17 under 35 U.S.C. §101 as claiming the same invention as that of Claim 1 of applicant's prior U.S. Patent No. 5,560,952. As set forth in Section 804 at 800-15 of the M.P.E.P.:

"A reliable test for double patenting under 35 U.S.C.  
§101 is whether a claim in the application could be literally  
infringed without literally infringing a corresponding claim in  
the patent."

There is a phrase missing from applicant's Claim 17 which is present in Claim 1 of U.S. Patent No. 5,560,952. That phrase is:

"Without any recirculation of the cooking vapors."